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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 (HONORABLE LARRY BURNS)

UNITED STATES OF AMERICA,	)	CASE NO.: 08cr1197-LAB
)	
Plaintiff,)	
	)	DATE: MAY 27, 2008
v.	)	TIME: 2:00 P.M.
)	
MOHAMED MILOUDI,	)	<u>NOTICE OF MOTIONS AND MOTIONS TO:</u>
)	
Defendant.	)	1) DISMISS COUNT TWO AS
	)	MULTIPLICITOUS;
	)	2) DISMISS COUNT TWO FOR LACK OF
	)	JURISDICTION BECAUSE 18 U.S.C. §
	)	1028A DOES NOT APPLY TO
	)	FOREIGN NATIONALS;
	)	3) DISMISS INDICTMENT DUE TO
	)	IMPROPER GRAND JURY
	)	INSTRUCTIONS;
	)	4) COMPEL PRODUCTION GRAND
	)	JURY TRANSCRIPTS; AND,
	)	5) DISMISS THE INDICTMENT FOR
	)	VIOLATION OF MR. MILOUDI'S DUE
	)	PROCESS RIGHTS.

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND
 REBECCA KANTER, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on May 27, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, defendant, Mr. Mohamed Miloudi, by and through his attorneys, Candis Mitchell and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

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MOTIONS

Defendant, Mohamed Miloudi, by and through his attorneys, Candis Mitchell and Federal Defenders of San Diego, Inc., asks this Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules for an order to:

- (1) Dismiss Count Two as Multiplicitous;
- (2) Dismiss Count Two For Lack of Jurisdiction Because 18 U.S.C. § 1028A Does Not Apply to Foreign Nationals;
- (3) Dismiss the Indictment due to improper Grand Jury instructions;
- (4) Compel Production Grand Jury Transcripts; And,
- (5) Dismiss the Indictment for Violation of Mr. Miloudi's Due Process Rights.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Respectfully submitted,

Dated: May 22, 2008

s/ Candis Mitchell
CANDIS MITCHELL
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Mohamed Miloudi
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